

04-1671-CBS

AFFIDAVIT OF MARK S. KARANGEKIS

I, Mark S. Karangekis, being duly sworn, depose and state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI"). I am currently assigned to the Violent Crime Task Force ("VCTF") investigating drug and drug-related crimes in the Lawrence, Massachusetts area.

2. I have been employed by the FBI for more than ten years. During that time, I have been involved in dozens of investigations relating to a wide variety of suspected criminal activity, including, among other things, drug and firearm trafficking by organized street gangs. I have been the affiant on numerous affidavits in support of criminal complaints and other applications and have spent much of the last four years investigating gangs and gang-related activity in and around the city of Lawrence. I have received training in the field of narcotics enforcement and investigations including, but not limited to, training regarding the identification of common street drugs such as cocaine base, a/k/a "crack cocaine." Through my training, education, and experience, I have also become familiar with the manner in which illegal drugs are transported, stored, and distributed, and with the methods of payment for such drugs.

3. I am submitting this affidavit in support of an application for a criminal complaint charging **EDWIN RODRIGUEZ**,

A/K/A "KING CHOLO," and **JOSUE RODRIGUEZ, A/K/A "PERRO,"** with one count of conspiracy to distribute cocaine base, also known as crack cocaine, in violation of 21 U.S.C. § 846, and one count of distribution of crack cocaine, in violation of 21 U.S.C. § 841. As is explained more fully below, **EDWIN RODRIGUEZ** and **JOSUE RODRIGUEZ** made a controlled sale of crack cocaine to a cooperating witness working with the FBI (the "CW") on December 5, 2003.

4. This affidavit is submitted for the limited purpose of establishing probable cause to believe that **EDWIN RODRIGUEZ** and **JOSUE RODRIGUEZ** have committed the above-described offenses. Accordingly, I have not included each and every fact known to myself and other law enforcement officers involved in this investigation.

5. For the past eighteen months, I have been the case agent on a multi-agency investigation of the Latin Kings, a violent street gang that operates various local chapters in Massachusetts including, but not limited to, in Lawrence and Lowell. Over the course of this investigation, law enforcement agents have made numerous purchases of controlled substances from members or associates of the Lawrence and Lowell chapters of the Latin Kings using various cooperating witnesses. All of the buys and many of the conversations leading up to these purchases have been consensually recorded on audio and/or videotape. All of the

drugs purchased have either been field tested or certified by the DEA's Northeast Regional Laboratory ("NERL").

6. The current investigation into the crack cocaine trafficking of **EDWIN RODRIGUEZ** and **JOSUE RODRIGUEZ** was initiated in early December 2003 when a cooperating witness working for the FBI ("the CW") identified **EDWIN RODRIGUEZ, A/K/A "KING CHOLO"**, as someone from whom the CW could purchase crack cocaine.¹ The CW reported to me that he/she had recently met **EDWIN RODRIGUEZ** and that **EDWIN RODRIGUEZ** had told the CW that he could get drugs for the CW.

7. Information from confidential sources and law enforcement sources indicates that **EDWIN RODRIGUEZ, A/K/A "KING CHOLO"**, is a member of the Lawrence chapter of the Latin Kings, and that **EDWIN RODRIGUEZ** is involved in drug trafficking with his brother, **JOSUE RODRIGUEZ**, who goes by the street name "**PERRO**" and who is a member of the Immortal Outlaws street gang in Lawrence.²

¹ The CW knew **EDWIN RODRIGUEZ** and **JOSUE RODRUGUEZ** for several months prior to the December 5, 2003 buy. The CW, who has no criminal record, has a history of drug use. The CW has made drug purchases from other targets in this investigation. Information he/she has provided me has repeatedly been corroborated by the events of individual transactions and by information provided by other confidential informants and cooperating witnesses. The CW has been paid less than \$5,000 in expenses in connection with his/her involvement in this investigation.

² In 2002, I was the case agent for a multi-agency investigation of the Immortal Outlaws that, in September 2002, resulted in 21 defendants being named in federal and state

8. Confidential sources and law enforcement sources indicate that **EDWIN RODRIGUEZ** and **JOSUE RODRIGUEZ** operate their drug trafficking activities out of 16/18 Springfield Street in Lawrence. Based on my and other law enforcement officials involvement in other investigations (including the Immortal Outlaws investigation), and information from confidential sources and cooperating witnesses, I am aware that 16/18 Springfield Street is a well known location where Latin King and other gang members congregate and is known as a major distribution point for drug activity by Lawrence gang members.

THE PURCHASE OF 13.5 GRAMS OF CRACK COCAINE FROM EDWIN AND JOSUE RODRIGUEZ ON DECEMBER 5, 2003

9. At approximately 2:30 p.m. on December 5, 2003, the CW met with agents, and, at their direction, made a consensually recorded call to **EDWIN RODRIGUEZ, a/k/a "KING CHOLO"**, at 978-258-2778, and asked to buy 14 grams of crack cocaine for \$450. **EDWIN RODRIGUEZ** told the CW to meet him at the corner of Haverhill and Union Streets. Agents provided the CW with recording equipment, a transmitter, and \$450 in official government currency ("OGC") with which to buy the crack cocaine from **EDWIN RODRIGUEZ**. Agents also provided the CW with a car with audio/video surveillance equipment.

indictments with various drug and gun charges and alleged to be members of, or have affiliations with, the Lawrence-based Immortal Outlaws street gang.

10. At approximately 3:30 p.m., the CW picked up **EDWIN RODRIGUEZ** at the corner of Essex and Union Streets. Detective Brooks, who is fluent in Spanish, has reviewed the videotape/audio tape of the December 5, 2003 meeting between **EDWIN RODRIGUEZ** and the CW, who were later joined by **JOSUE RODRIGUEZ**).³ Detective Brooks and other Task Force Agents familiar with the appearance of **EDWIN RODRIGUEZ** recognized **EDWIN RODRIGUEZ, AKA CHOLO**, as the individual with the CW on the videotape.

11. On the audiotape, **EDWIN RODRIGUEZ** can be heard suggesting to the CW that they go to "**PERRO's**" house to get the crack cocaine. The CW and **EDWIN RODRIGUEZ** then engaged in the following exchange, which was translated for me by Detective Brooks:

³ The CW was also wearing a body recorder on December 5, 2003, but the recording device malfunctioned. Therefore only the conversations which took place in the CW's car were successfully recorded. However, Detective Brooks, who is fluent in Spanish, was listening on the transmitter during the buys and overheard conversations which took place out of the car and were not successfully recorded.

THE CW: "Does **PERRO** have it?"

EDWIN RODRIGUEZ: "**PERRO** will get it like that [snapping his fingers.] Because he's always getting it for his white customers. He has some white people that are always buying rocks [i.e., crack cocaine] and Manteca [i.e., heroin]. It's a fourteen [i.e., fourteen grams] what you want?"

THE CW: Yeah!

EDWIN RODRIGUEZ: That's what I told **PERRO** last night because he was with me.

12. **EDWIN RODRIGUEZ** gave the CW directions to the residence of **JOSUE RODRIGUEZ** on Bennington Street in Lawrence, and under surveillance, the CW and **EDWIN RODRIGUEZ** drove there. Surveillance agents saw the CW and **EDWIN RODRIGUEZ** arrive at 40 Bennington Street (near the corner of Park and Bennington Streets). After they arrived, agents saw **EDWIN RODRIGUEZ** go into 40 Bennington Street while the CW waited in the car. A few minutes later, **EDWIN RODRIGUEZ** returned and said "**PERRO**" was making a phone call and would be right down. The CW and **EDWIN RODRIGUEZ** waited in the car outside the house for a few minutes and had a conversation in Spanish. During this conversation, **EDWIN RODRIGUEZ** can be heard telling the CW that he can get the CW heroin for \$80 per gram.

13. At approximately 3:50 p.m., **EDWIN RODRIGUEZ** called **JOSUE RODRIGUEZ** and said that he and the CW were still waiting outside. Shortly thereafter, the CW and **EDWIN RODRIGUEZ** got out

of the car and went into **JOSUE RODRIGUEZ's** residence -- 40 Bennington Street, #3 -- and met with **JOSUE RODRIGUEZ's** girlfriend, who told them that **JOSUE** was across the street cooking the cocaine.

14. The CW and **EDWIN RODRIGUEZ** waited in **JOSUE's** apartment. After further delays in delivering the crack, **EDWIN RODRIGUEZ** asked the CW for a ride home and told the CW to do the deal with **JOSUE**. **EDWIN RODRIGUEZ** then gave the CW the phone number of **JOSUE RODRIGUEZ** -- 978-258-3973.⁴ At approximately 4:07 p.m., agents saw the CW and **EDWIN RODRIGUEZ** leave the building and get into the CW's car. The CW then drove **EDWIN RODRIGUEZ** back to **EDWIN RODRIGUEZ's** residence -- 54 Haverhill Street in Lawrence.

15. The CW then met with agents who searched the CW and his/her car, and debriefed the CW. After meeting with agents, the CW again picked up **EDWIN RODRIGUEZ** at his residence and drove back to 40 Bennington Street in Lawrence, where they arrived at approximately 4:50 p.m. **JOSUE RODRIGUEZ** told them that the crack was still wet and would not be ready for another 30 minutes. The CW then drove **EDWIN RODRIGUEZ** back to 54 Haverhill Street and dropped him off. The CW then met with agents for a second time.

⁴ Telephone records for this number indicate that the subscriber is Matilde Pazmino of 40 Bennington Street, #3, Lawrence, MA. Essex County Sheriff's Department records indicate that a Josephine Pazmino was a frequent visitor of **JOSUE RODRIGUEZ** when he was incarcerated.

While in the car with the agents, the CW received a call from **EDWIN RODRIGUEZ** who said the price for the 14 grams of crack was going to be \$550 not the previously agreed upon \$450. After talking with the agents, the CW called **EDWIN RODRIGUEZ** back and agreed to the new price. Detective Brooks, who is fluent in Spanish, listened on the transmitter and heard **EDWIN RODRIGUEZ**, whose voice he recognized, talking about raising the price of the crack from \$450 to \$550.

16. When the CW got back to **EDWIN RODRIGUEZ's** residence, he called **EDWIN** on his cell phone. **EDWIN** said he did not want to go back to **JOSUE's** house and that the CW should go alone. The CW said that, since **EDWIN** introduced the CW to **JOSUE**, he should come too. At approximately 5:45 p.m., agents saw **EDWIN RODRIGUEZ** get into the CW's car and they drove, under surveillance, back to 40 Bennington Street in Lawrence.

17. When they got to 40 Bennington Street, **EDWIN RODRIGUEZ** got out of the car and whistled up to **PERRO**. **EDWIN RODRIGUEZ** can then be heard telling the CW: "He's coming down. Do you have the \$550?" When the CW says "yeah", **EDWIN RODRIGUEZ** can be heard saying: "**PERRO** deals with everyone. He has some customers from New Hampshire that come down and buy \$1,000 worth of drugs. One of the guys gave me \$150 after the deal. Everyone trusts **PERRO**."

18. Moments later, agents saw two males⁵ come out of 40 Bennington Street and get in the backseat of the CW's car. Immediately thereafter, **EDWIN RODRIGUEZ** can be heard saying: "Talking about **PERRO** and **PERRO** is here drinking a beer." The CW and **JOSUE RODRIGUEZ, AKA PERRO**, then can be heard engaging in the following exchange:

THE CW: Damn, you told me \$450 and now it's \$550.

JOSUE RODRIGUEZ: I don't know anything about that. I thought the guy was going to give it to me cheaper.

THE CW: What happened with the Ecstasy?

JOSUE RODRIGUEZ: I forgot about the connection! I can get whatever you need, anything, anything.⁶

19. The CW, **EDWIN RODRIGUEZ, JOSUE RODRIGUEZ**, and the unidentified male then drove, under surveillance, to a liquor store at the corner of Park and Hampshire Streets in Lawrence and **EDWIN RODRIGUEZ** went into the liquor store and then returned to the car. They then drove back to 40 Bennington Street and parked. The CW then turned on the inside light of the car and gave the \$550 in OGC to **EDWIN RODRIGUEZ** who handed it through the window to **JOSUE RODRIGUEZ** (who had gotten out of the backseat and was standing at the front passenger side window). **JOSUE**

⁵ It was too far for agents to see the individuals' faces.

⁶ **EDWIN RODRIGUEZ** had previously told the CW that **JOSUE RODRIGUEZ** had connections in Boston and could get ecstasy for the CW.

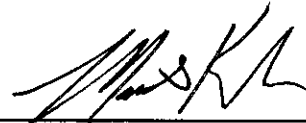
RODRIGUEZ then went into 40 Bennington Street and came back less than a minute later and got into the backseat and handed the crack cocaine up to **EDWIN RODRIGUEZ**, who handed it to the CW. The unknown male got out of the car. When he got the crack, the CW immediately removed the paper and weighed it and said that it weighed 14.4 grams. **JOSUE RODRIGUEZ** can then be heard saying "so give me some more money", which the CW refused.

20. **EDWIN** and **JOSUE RODRIGUEZ**, and the unidentified male, got out of the car, and the CW then met with agents and provided them with the recording equipment and the crack cocaine. The CW subsequently told the agents that the person who handed the crack cocaine to **EDWIN RODRIGUEZ**, who then handed it to the CW, was **JOSUE RODRIGUEZ, AKA PERRO**.

21. SA Jeffrey Wood of the FBI inspected the substance provided by the CW and concluded, based on his training and experience, that it was consistent in appearance with crack cocaine. DEA NERL certified that the contents of the package was 13.5 grams of cocaine base.


21. Based on the foregoing, I believe there is probable cause to believe that, on December 5, 2003, **EDWIN RODRIGUEZ, A/K/A "KING CHOLO"**, and **JOSUE RODRIGUEZ, A/K/A "PERRO"**, did conspire to possess with intent to distribute, and did

distribute, cocaine base, also known as "crack cocaine," a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 846 & 841 (a)(1).




MARK S. KARANGEKIS
Special Agent, FBI

Sworn to and subscribed before me this 23rd day of
February, 2004



CHARLES B. SWARTWOOD
UNITED STATES MAGISTRATE JUDGE



Criminal Case Cover Sheet

U.S. District Court - District of Massachusetts

Place of Offense: Lawrence Category No. II Investigating Agency FBI

City Lawrence

Related Case Information:

County Essex

Superseding Ind./ Inf. _____ Case No. _____
Same Defendant _____ New Defendant _____
Magistrate Judge Case Number _____
Search Warrant Case Number _____
R 20/R 40 from District of _____

Defendant Information:

Defendant Name EDWIN RODRIGUEZ Juvenile: ☐ Yes ☒ No

Alias Name KING CHOLO

Address 16 SPRINGFIELD STREET, 1ST FL, LAWRENCE, MA

Birthdate: 1979 SS # 000 00 4207 Sex: MALE Race: Hispanic Nationalit US

Defense Counsel if known: _____ Address _____

Bar Number _____

U.S. Attorney Information:

AUSA Peter K. Levitt : John A. Wortmann, Jr. Bar Number if applicable 565761 AND 534860

Interpreter: ☒ Yes ☐ No List language and/or dialect: _____

Matter to be SEALED: ☒ Yes ☐ No

☒ Warrant Requested ☐ Regular Process In Custody

Location Status:

Arrest Date _____

Already in Federal Custody as of _____ in _____

☐ Already in State Custody at _____ ☐ Serving Sentence ☐ Awaiting Trial

☐ On Pretrial Release: Ordered by: _____ on _____

Charging Document: ☒ Complaint ☐ Information ☒ Indictment

Total # of Counts: ☐ Petty _____ ☐ Misdemeanor _____ ☒ Felony 2

Continue on Page 2 for Entry of U.S.C. Citations

X I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

Date: 9/23/04 Signature of AUSA: Peter K. Levitt

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant EDWIN RODRIGUEZ AKA CHOLO

U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>21 USC 846</u>	<u>CONSPIRACY DISTRIBUTE COCAINE BASE</u>	<u>1</u>
Set 2	<u>21 USC 841(a)</u>	<u>DISTRIBUTION OF COCAINE BASE</u>	<u>2.</u>
	_____	_____	_____
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____

ADDITIONAL INFORMATION: _____

Criminal Case Cover Sheet

U.S. District Court - District of Massachusetts

Place of Offense: Lawrence Category No. II Investigating Agency FBI

City Lawrence

Related Case Information:

County Essex

Superseding Ind./ Inf. _____ Case No. _____
Same Defendant _____ New Defendant _____
Magistrate Judge Case Number _____
Search Warrant Case Number _____
R 20/R 40 from District of _____

Defendant Information:

Defendant Name JOSE RODRIGUEZ Juvenile: ☐ Yes ☒ No

Alias Name PERRO

Address 16 SPRINGFIELD STREET, 1ST FL, LAWRENCE, MA

Birthdate: 1982 SS # 000 00 6985 Sex: MALE Race: Hispanic Nationality US

Defense Counsel if known: _____ Address _____

Bar Number _____

U.S. Attorney Information:

AUSA Peter K. Levitt ; John A. Wortmann, Jr. Bar Number if applicable 565761 AND 534860

Interpreter: ☒ Yes ☒ No List language and/or dialect: _____

Matter to be SEALED: ☒ Yes ☐ No

☒ Warrant Requested ☐ Regular Process ☐ In Custody

Location Status:

Arrest Date _____

Already in Federal Custody as of _____ in _____

☐ Already in State Custody at _____ ☐ Serving Sentence ☐ Awaiting Trial

☐ On Pretrial Release: Ordered by: _____ on _____

Charging Document: ☒ Complaint ☐ Information ☒ Indictment

Total # of Counts: ☐ Petty ☐ Misdemeanor ☒ Felony 2

Continue on Page 2 for Entry of U.S.C. Citations

X I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

Date: 2/23/04 Signature of AUSA: [Signature]

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant JOSE RODRIGUEZ AKA PERRO

U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>21 USC 846</u>	<u>CONSPIRACY DISTRIBUTE COCAINE BASE</u>	<u>1</u>
Set 2	<u>21 USC 841(a)</u>	<u>DISTRIBUTION OF COCAINE BASE</u>	<u>2.</u>
	_____	_____	_____
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____

ADDITIONAL INFORMATION: _____

